

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LINDA D. SEKIYA,)	Civ No. 04-00297 DAE/KSC
)	
Plaintiff,)	DECLARATION OF
)	DR. BERNARD PORTNER,
vs.)	M.D.
)	
DONALD H. RUMSFELD,)	
officially as secretary of Defense)	
)	
Agency.)	
_____)	

DECLARATION OF DR. BERNARD PORTNER, M.D.

I, BERNARD PORTNER, state that:

1. I am a board certified medical doctor specializing in orthopedic rehabilitation and am licensed to practice medicine in the State of Hawaii.
2. Linda D. Sekiya (hereinafter "Plaintiff") in the above-referenced case, was a patient of mine from approximately March 2001 to October 2002.
3. I make this statement based upon my personal knowledge and information.
4. On or about March 2001 I diagnosed Plaintiff with chronic right plantar fasciitis.
5. I prescribed heel pad, arch support, night splint, ice massage, Celebrex on a regular basis, physical therapy sessions, friction massage, therapeutic modalities, active exercises, and an automobile handicap placard.

6. During the entire period of my treatment of Plaintiff from March 2001 to October 2002, it was necessary for her to rely on the use of crutches in order to walk, except for short distances for short periods.

7. Plaintiff had a "physical impairment" of her right foot that "substantially limited" her ability to walk from March 2001 to October 2002.

[Definition of "physical impairment": any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine.]

[Definition of "substantially limited": unable to perform walking activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform walking as compared to the condition, manner, or duration under which the average person in the general population can perform walking.]

8. In my medical opinion, Plaintiff's right foot impairment was a chronic condition.

9. In my medical opinion, Plaintiff's right foot impairment was a significant condition.

I, BERNARD PORTNER, M.D., do declare under penalty of law that the foregoing is true and correct.

Dated: Honolulu, Hawaii, March 9, 2006.

A handwritten signature in black ink, appearing to be 'BP' with a long horizontal stroke extending to the right.

BERNARD PORTNER, M.D.

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